

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

ARTURO GONZALES,

Petitioner,

VS.

WILLIAM STEPHENS,

Respondent.

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CIVIL ACTION NO. 2:13-CV-00213

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION
ON RESPONDENT’S MOTION TO DISMISS**

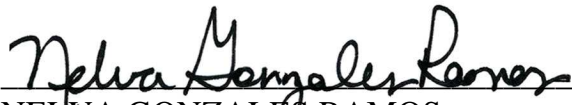
On October 7, 2013, United States Magistrate Judge Jason B. Libby issued his “Memorandum and Recommendation on Respondent’s Motion to Dismiss” (D.E. 13). The parties were provided proper notice of, and opportunity to object to, the Magistrate Judge’s Memorandum and Recommendation. FED. R. CIV. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. No objections have been filed.

When no timely objection to a magistrate judge’s memorandum and recommendation is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge’s memorandum and recommendation. *Guillory v. PPG Industries, Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Services Auto Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge’s Memorandum and Recommendation (D.E. 13), and all other relevant documents in the record, and finding no clear error, the Court **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Accordingly, the Respondent’s Motion

to Dismiss (D.E. 12) is **GRANTED** and this action is **DISMISSED WITH PREJUDICE** as time-barred. In the event that Petitioner seeks a Certificate of Appealability, that request is **DENIED**.

ORDERED this 13th day of November, 2013.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE